

AN ORDINANCE 2006-06-01-0665

**AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SAN ANTONIO BY AMENDING CHAPTER 35, UNIFIED DEVELOPMENT CODE, SECTION 35-304, OF THE CITY CODE OF SAN ANTONIO, TEXAS BY CHANGING THE ZONING DISTRICT BOUNDARY OF CERTAIN PROPERTY.**

\* \* \* \* \*

**WHEREAS**, a public hearing was held regarding this amendment to the Official Zoning Map at which time parties in interest and citizens were given an opportunity to be heard; and

**WHEREAS**, the Zoning Commission has submitted a final report to the City Council regarding this amendment to the Official Zoning Map of the City of San Antonio; **NOW THEREFORE**,

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:**

**SECTION 1.** Chapter 35, Unified Development Code, Section 35-304, Official Zoning Map, of the City Code of San Antonio, Texas is amended by changing the zoning district boundary of 1.068 acres out of NCB 11168 and 6.455 acres out of NCB 11173 from (H) "C-2 RIO-6" Historic Commercial River Improvement Overlay District and (H) "R-6 RIO-6" Historic Residential Single-Family River Improvement Overlay District-6 to (H) "C-2 RIO-6" (CD-Gasoline Station with Auto Repair) Historic Commercial River Improvement Overlay District with a Conditional Use for a Gasoline Station with Auto Repair on 1.068 acres out of NCB 11168, (H) "C-2 RIO-6" Historic Commercial River Improvement Overlay District on 4.855 acres out of NCB 11173, and (H) "C-2 RIO-6 S" Historic Commercial River Improvement Overlay District with a Specific Use Permit for a Hotel on 1.6 acres out of NCB 11173.

**SECTION 2.** A description of the property is attached as Exhibit "A" and made a part hereof and incorporated herein for all purposes.

**SECTION 3.** The City Council finds as follows:

- A.** The conditional use will not be contrary to the public interest.
- B.** The conditional use will not substantially nor permanently injure the appropriate use of adjacent conforming property in the same district.
- C.** The conditional use will be in harmony with the spirit and purpose for conditional uses as set forth in Section 35-422, Conditional Zoning, of the Unified Development Code.
- D.** The conditional use will not substantially weaken the general purposes of the regulations as set forth in Section 35-422, Conditional Zoning, of the Unified Development Code.
- E.** The conditional use will not affect adversely the public health, safety and welfare.

**SECTION 4.** The City Council finds that the following conditions shall be met to insure compatibility with the surrounding properties:

A. Compliance must be met with the Urban District building design standards referenced in section 35-310.15 (e)(1) through (e)(5).

B. Compliance must be met with the UD sign standards which are also referenced in section 35-310.15(f).

C. The UD buffer standard 30 foot vegetated buffer Type E or N referenced in section 35-310.15(g)(1) must be maintained.

D. A 35 foot maximum front setback from Espada Road must be maintained.

**SECTION 5.** All other provisions of Chapter 35 except those expressly amended by this ordinance shall remain in full force and effect including the penalties for violations as made and provided for in Section 35-491.

**SECTION 6.** The Director of Development Services shall change the zoning records and maps in accordance with this ordinance and the same shall be available and open to the public for inspection.

**SECTION 7.** This Ordinance shall become effective on June 11, 2006.

**PASSED AND APPROVED** this 1st day of June, 2006.

  
M A Y O R  
PHIL HARDBERGER

ATTEST:   
City Clerk


APPROVED AS TO FORM:   
for City Attorney

EXHIBIT "A"  
1.07 ACRES

Z2006063

STATE OF TEXAS  
COUNTY OF BEXAR

Field notes for a 1.07 acre tract out of the Domingo Bustillos Survey No. 31, out of Division No. 7, Section pf the South one-half of said Domingo Bustillos Survey No. 31, New City Block 11168, of the City of San Antonio, Bexar County, Texas and being the same land as described in a deed to Dolores G. Hernandez, recorded in Volume 6958, Page 2097 of the Real Property Records of Bexar County, Texas, and being more particularly described by metes and bounds as follows:

**BEGINNING** at a one half inch steel pin set at the intersection of the south Right-Of-Way line of Interstate Highway Loop 410 and the northeast Right-Of-Way line of Espada Road for the west corner of the herein described 1.07 acre tract being south 160' of Engineers Station 404+25.

**THENCE** along the south Right-Of-Way line of Interstate Highway Loop 410, South 89° 53' 51" East, a distance of 330.62 feet to a one half inch steel pin set for the northeast corner of this tract and being on the southwest Right-Of-Way line of Old Espada Road.


**THENCE** along the southwest Right-Of-Way line of Old Espada Road, South 58° 45' 11" East, a distance of 280.36 feet to a one half inch steel pin set for the east corner of this tract.

**THENCE** along the northeast Right-Of-Way line of Espada Road the following three calls; North 89° 53' 51" West, a distance of 245.57 feet to a one half inch steel pin set; North 73° 11' 53" West, a distance of 208.81 feet to a one half inch steel pin set and North 55° 40' 54" West, a distance of 151.16 feet to the **POINT OF BEGINNING**.

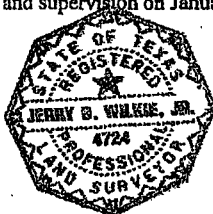
(Reference is hereby made to an 18" x 24" survey plat prepared this same date.)

(All pins set with red cap stamped No. 4724)

I, Jerry D. Wilkie, Jr., hereby certify that these field notes were prepared from an on the ground survey made under my direction and supervision on January 16, 2003.

  
Jerry D. Wilkie, Jr.  
Registered Professional Land Surveyor  
No. 4724

Job Number 12793



Any provision herein which restricts the sale, or use of the described real property because of race is invalid and unenforceable under Federal law  
STATE OF TEXAS, COUNTY OF BEXAR  
I hereby certify that this instrument was FILED in File Number Sequence on the date and at the time stamped herein by me and was duly RECORDED in the Official Public Record of Real Property of Bexar County, Texas on:

FEB 11 2003



  
COUNTY CLERK BEXAR COUNTY, TEXAS

Doc# 20030032327  
# Pages 2  
02/11/2003 02:29:07 PM  
Filed & Recorded in  
Official Records of  
BEXAR COUNTY  
GERRY RICHOFF  
COUNTY CLERK  
Fees \$11.00

Vol 9827 Pg 1303

**METES AND BOUNDS  
OF PROPOSED ZONING BOUNDARY**

4.855 Acres Tract out of a 6.455 Acres Tract recorded in Volume 9955, Page 1662, Deed Records of Bexar County, Texas, and being out of New City Block 11173 out of the Domingo Bustillos Survey Number 31, Abstract Number 44, County Block 4004, in the City of San Antonio, Bexar County, Texas, and being more particularly described by metes and bounds as follows:

**BEGINNING:** at a found highway monument for the point of intersection of the South Right of Way line of **INTERSTATE HIGHWAY 410** and the Northeast Right of Way line of **ESPADA ROAD**, said point being the northwest corner of said 6.455 Acres Tract and of this tract;

**THENCE:** S 89°53'51" E, with and along the South Right of Way line of said **INTERSTATE HIGHWAY 410**, a distance of 1088.38 feet to a 1/2" iron pin set, for the Northeast corner of herein described tract;

**THENCE:** S 00°06'09" W, departing said Right of Way line a distance of 238.70 feet to a 1/2" iron pin set on the South line of said 6.455 Acres Tract, for the Southeast corner of herein described tract;

**THENCE:** N 89°33'00" W, with and along the South line of said 6.455 Acres Tract, and the herein described tract, a distance of 702.86 feet, to a 1/2" iron pin found on the Northeast Right of Way line of **ESPADA ROAD**, for the Southwest corner of said 6.455 Acres Tract and of herein described tract;

**THENCE:** N 58°35'37" W, with and along the said Northeast Right of Way line of **ESPADA ROAD**, a distance of 451.22 feet, to the **POINT OF BEGINNING** and containing 4.855 acres of land, more or less.



J.O. 03785-5

*Sia Sayyadi*  
Sia Sayyadi, R.P.L.S.  
RPLS No. 5451  
June 19, 2006

**METES AND BOUNDS  
OF PROPOSED ZONING BOUNDARY**

1.600 Acres Tract out of a 6.455 Acres Tract recorded in Volume 9955, Page 1662, Deed and Plat Records of Bexar County, Texas, and being out of New City Block 11173 out of the Domingo Bustillos Survey Number 31, Abstract Number 44, County Block 4004, in the City of San Antonio, Bexar County, Texas, and being more particularly described by metes and bounds as follows:

**COMMENCING:** from a found highway monument for the point of intersection of the South Right of Way line of **INTERSTATE HIGHWAY 410** and the Northeast Right of Way line of **ESPADA ROAD**, said point being the northwest corner of said 6.455 Acres Tract;

**THENCE:** S 89°53'51" E, with and along the South Right of Way line of said **INTERSTATE HIGHWAY 410**, a distance of 1088.38 feet to a ½" iron pin set, for the **POINT OF BEGINNING** and the Northwest corner of herein described tract;

**THENCE:** S 89°53'51" E, continuing with and along the South Right of Way line of said **INTERSTATE HIGHWAY 410**, a distance of 77.80 feet to a highway monument found, for an angle point of said Right of Way and herein described tract;

**THENCE:** S 85°19'25" E, continuing with and along the South Right of Way line of said **INTERSTATE HIGHWAY 410**, a distance of 197.13 feet to a ½" iron pin found on the East line of the said Domingo Bustillos Survey Number 31, for the Northeast corner of said 6.455 Acres Tract and of herein described tract;

**THENCE:** departing said Right of Way line and with said East line of said Domingo Bustillos Survey Number 31 and of said 6.455 Acres Tract, and the West line of Espada Ditch, the following courses:

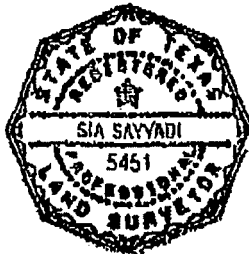
S 21°13'17" E, a distance of 32.73 feet;

S 09°48'43" E, a distance of 63.46 feet; and

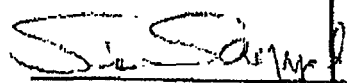
S 08°15'57" E, a distance of 133.32 feet to a ½" iron pin found for the original Southeast corner of said Survey Number 31, the said 6.455 Acres Tract, and of the herein described tract;

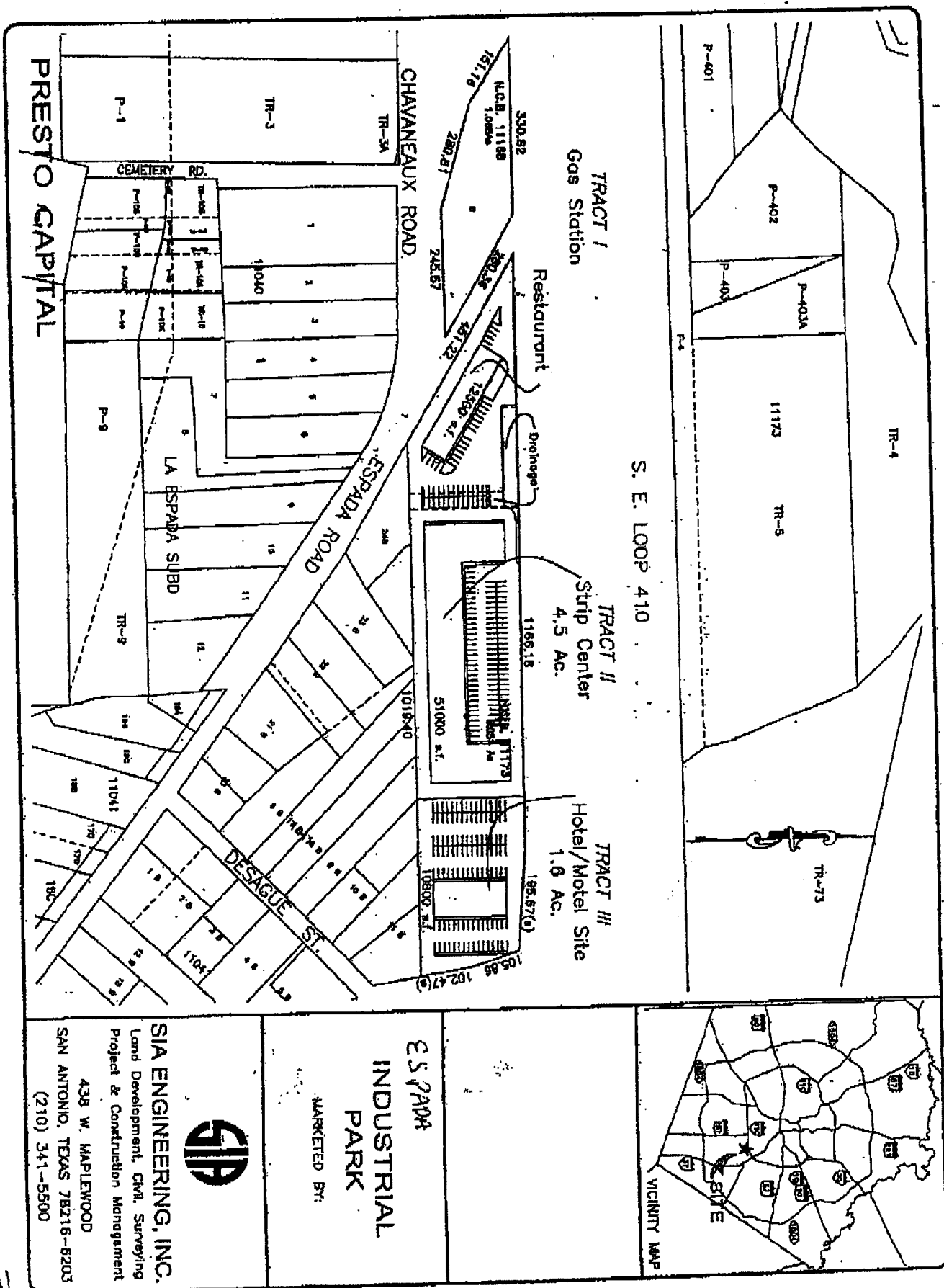
**THENCE:** N 89°33'00" W, with and along the South line of said Survey Number 31, the said 6.455 Acres Tract, and the herein described tract, a distance of 316.54 feet, to a ½" iron pin set, for the Southwest corner of herein described tract;

**THENCE:** N 00°06'09" E, a distance of 238.70 feet to the **POINT OF BEGINNING** and containing 1.600 acres of land, more or less.



I.O. 03785-5

  
Sia Sayyadi, R.P.L.S.  
RPLS No. 5451  
June 12, 2006



# Agenda Voting Results

**Name:** Z-6.

**Date:** 06/01/06

**Time:** 07:35:04 PM

**Vote Type:** Multiple selection

**Description:** ZONING CASE #Z2006063 CD S (District 3): An Ordinance changing the zoning district boundary from (H) "C-2 RIO-6" Historic Commercial River Improvement Overlay District and (H) "R-6 RIO-6" Historic Residential Single-Family River Improvement Overlay District-6 to (H) "C-2 RIO-6" (CD-Gasoline Station with Auto Repair) Historic Commercial River Improvement Overlay District with a Conditional Use for a Gasoline Station with Auto Repair on 1.068 acres out of NCB 11168, (H) "C-2 RIO-6" Historic Commercial River Improvement Overlay District on 4.5 acres out of NCB 11173, and (H) "C-2 RIO-6 S" Historic Commercial River Improvement Overlay District with a Specific Use Permit for a Hotel on 1.6 acres out of NCB 11173, 2425 East Chaveneaux and 9650 Espada Road as requested by Brown, P. C., Applicant, for Presto Tierra, LLC, Owner(s). Staff and Zoning Commission recommend Approval with conditions.

Voter	Group	Status	Yes	No	Abstain
ROGER O. FLORES	DISTRICT 1	Not present			
SHEILA D. MCNEIL	DISTRICT 2		x		
ROLAND GUTIERREZ	DISTRICT 3		x		
RICHARD PEREZ	DISTRICT 4	Not present			
PATTI RADLE	DISTRICT 5		x		
DELICIA HERRERA	DISTRICT 6		x		
ELENA K. GUAJARDO	DISTRICT 7		x		
ART A. HALL	DISTRICT 8		x		
KEVIN A. WOLFF	DISTRICT 9	Not present			
CHIP HAASS	DISTRICT_10	Not present			
MAYOR PHIL HARDBERGER	MAYOR	Not present			

# CASE NO: Z2006063CD

## Staff and Zoning Commission Recommendation - City Council

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**Date:** June 01, 2006

**Zoning Commission Meeting Date:** May 02, 2006

**Council District:** 3

**Ferguson Map:** 683 D4

**Applicant:**

**Owner:**

Brown, P. C.

Presto Tierra, LLC

**Zoning Request:**

From (H) "C-2 RIO-6" Historic Commercial River Improvement Overlay District and (H) "R-6 RIO-6" Historic Residential Single-Family River Improvement Overlay District to (H) "C-2 RIO-6" CD Historic Commercial River Improvement Overlay District with a Conditional Use for a Gasoline Station with Auto Repair on 1.068 acres out of NCB 11168, (H) "C-2 RIO-6" Historic Commercial River Improvement Overlay District on 4.5 acres out of NCB 11173, and (H) "C-2 RIO-6" S Historic Commercial River Improvement Overlay District with a Specific Use Permit for a Hotel on 1.6 acres out of NCB 11173

1.068 acres out of NCB 11168 and 6.455 acres out of NCB 11173

**Property Location:**

2425 East Chaveneaux and 9650 Espada

Loop 410 South and Espada Road

**Proposal:**

To develop a retail shopping center

**Neighborhood Association**

None

**Neighborhood Plan:**

City South Community Plan

**Traffic Impact Analysis**

A traffic impact analysis is not required. One may be required at the building/permitting stage.

**Staff Recommendation:**

Inconsistent. The City South Community Plan calls for Urban Living at these locations.

Approval, pending plan amendment. The subject properties are located to the immediate east and west of the intersection of Old Espada Road and the access road to Southeast Loop 410. The applicant is requesting "C-3" General Commercial zoning at these locations. The current base zone for the subject property identified as Tract 1 on the zoning case exhibit map (2425 East Chavaneaux) is "C-2" and "R-6" on Tracts 2 and 3 (9650 Old Espada Road).

The applicant is requesting "C-2" CD on Tract 1 in order to construct a gas station with auto repair. The applicant is also requesting "C-2" on Tract 2 in order to construct a retail center and a hotel on Tract 3. The subject properties are currently in the CitySouth Community Plan. The subject properties are currently proposed for "Urban Development" land use types. Staff is in support of C-2 with a conditional use with conditions conforming to a "UD" District.

To the south and southeast of the subject properties are large-lot single-family homes. To the west are heavy commercial uses, with the San Antonio River to the east. The proximity of the subject properties to the San Antonio River was a factor in staff's request for the applicant amendment to "C-2" with conditional uses on all tracts. The initial requests of "C-3" are not compatible with the residential and environmentally significant surroundings. Additionally, the subject properties are within the Mission Historic District (Mission Espada is approximately ¼ mile southeast from the subject properties) and the River Improvement Overlay District 6 boundaries, which will require any development to follow design standards outlined in the Unified Development Code for the RIO-6 sector.



# CASE NO: Z2006063CD

## Staff and Zoning Commission Recommendation - City Council

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Staff supports the amended request.

**Zoning Commission Recommendation:**

Approval with Conditions

**CASE MANAGER :** Rudy Nino, Jr. 207-8389

**VOTE**

<b>FOR</b>	<b>10</b>
<b>AGAINST</b>	<b>0</b>
<b>ABSTAIN</b>	<b>0</b>
<b>RECUSAL</b>	<b>0</b>

**Z2006063**

**ZONING CASE NO. Z2006063** – May 2, 2006

Applicant: Brown, P. C.

Zoning Request: “H” “C-2” “RIO-6” Historic Commercial River Improvement Overlay District 6 and “H” “R-6” “RIO-6” Historic Residential Single Family River Improvement Overlay District 6 to “H” “C-2” “RIO-6” CD Historic Commercial River Improvement Overlay District 6 with a Conditional Use for a Gasoline Station with Auto Repair on 1.068 acres out of NCB 11168, “H” “C-2” “RIO-6” Historic Commercial River Improvement Overlay District 6 on 4.5 acres out of NCB 11173 and “H” “C-2” “RIO-6” S Historic Commercial River Improvement Overlay District 6 with Specific Use Permit for a Hotel on 1.6 acres out of 11173.

Patrick Christiansen, 112 E. Pecan, representing the owner, stated he would to amend his request from “C-3” of all three tracts as follows Tract 1 to “C-2” C for Conditional Use for a gas station with a repair facility to comply with City staff’s recommendation, Tract 2 from “C-3” to “C-2” and Tract 3 from “C-3” to “C-2” S for Specific Use for a Hotel. He stated Tract 2 & 3 are currently zoned “R-6” and the “C-2” zoning designation is clearly more appropriate than residential development.

Staff stated there were 31 notices mailed out to the surrounding property owners, 1 returned in opposition and 1 returned in favor.

Everyone present, for and against having been heard and the results of the written notices having been received, the Chairman declared the public hearing closed.

**COMMISSION ACTION**

The motion was made by Commissioner Gadberry and seconded by Commissioner Martinez to recommend approval of “RIO-6” Tract 1 “C-2” C for gasoline and repair, Tract 2 “C-2” and Tract 3 “C-2” S for a hotel and in addition the site plans should reflect the following conditions:

1. Compliance with the Urban District building design standards referenced in Section 35-310.15 E1 thru 5.
2. The UD Sign Standards referenced in Section 35-310.15 F.
3. The UD Buffer Standard.
4. A 30 foot vegetative buffer Type E or N referenced in Section 35-310.315 G1
5. A 35-foot maximum front setback from Espada.

**Z2006063**

1. Property is located on 1.68 acres out of NCB 11168 and 6.455 acres out of NCB 11173 at 2425 East Chaveneaux and 9650 Espada.
2. There were 31 notices mailed, 1 returned in opposition and 1 in favor.
3. Staff recommends denial.

**AYES: Avila, Robbins, Rodriguez, Westheimer, Gadberry, Sherrill, Wright,  
Martinez, Gray**

**ABSTAIN: Stribling**

**NAYS: None**

**THE MOTION CARRIED**

**FINDING OF CONSISTENCY OF THE MASTER PLAN**

**COMMISSION ACTION**

(A verbal vote was taken)

The motion was made by Commissioner Gadberry and seconded by Commissioner Westheimer to find consistency with the neighborhood plan.

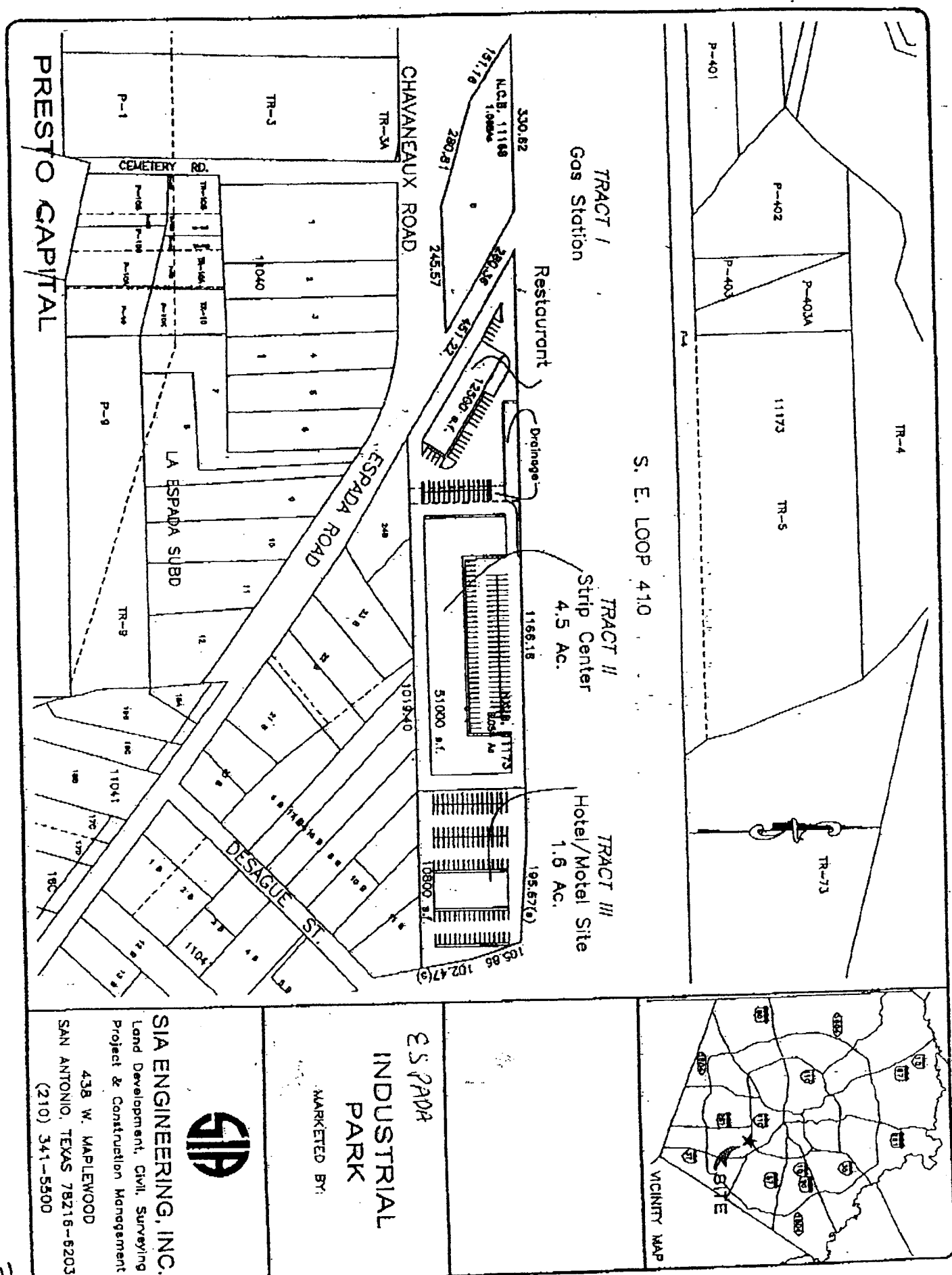
**AYES: Avila, Robbins, Rodriguez, Westheimer, Gadberry, Marshall, Sherrill,  
Wright, Martinez, Stribling, Gray**

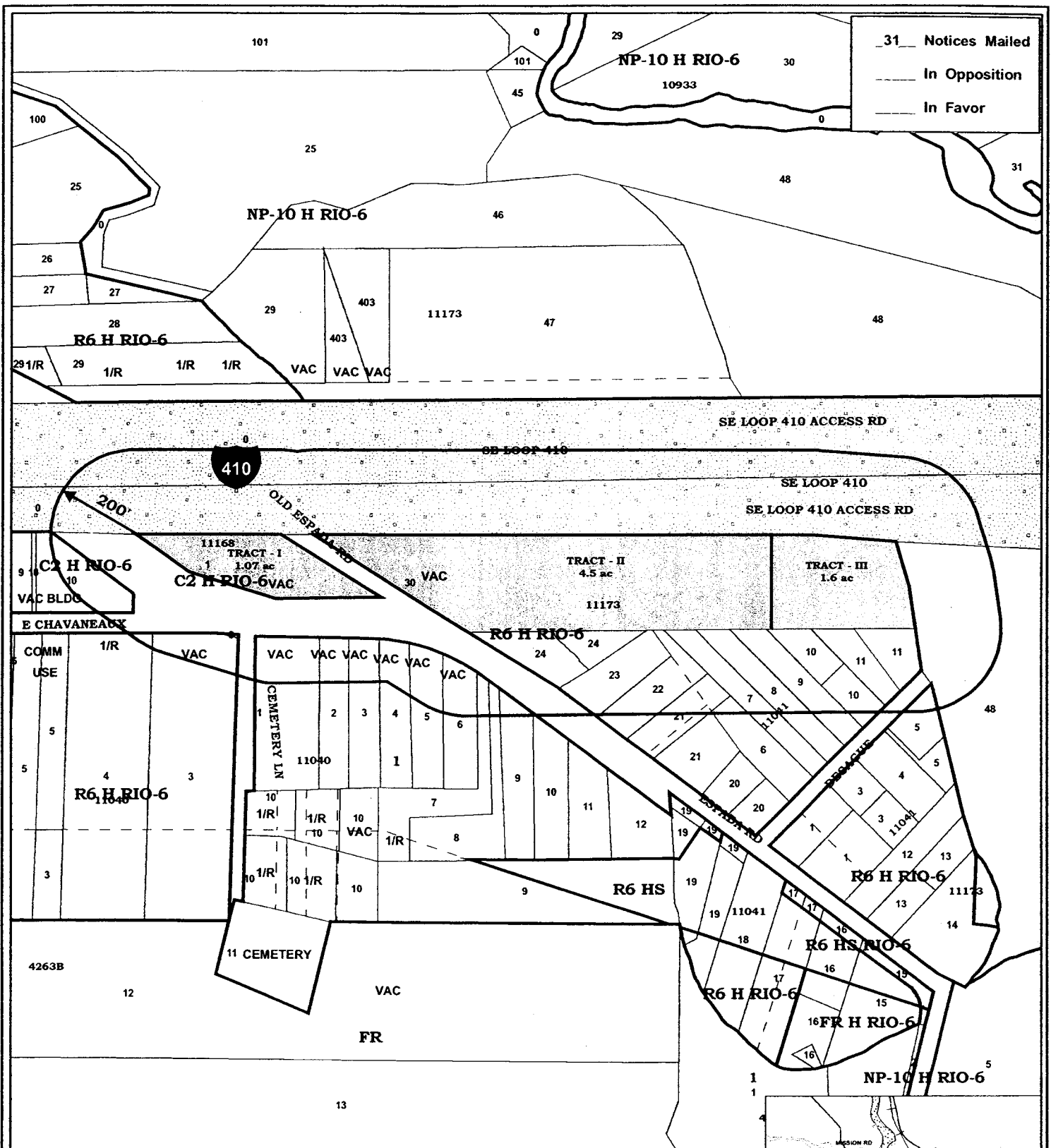
**NAYS: None**

**THE MOTION CARRIED**

**RESULTS OF NOTICE FOR COUNCIL HEARING**

To be provided at Council hearing.





# **ZONING CASE: Z2006-063 CD**

**City Council District No. 3**  
**Requested Zoning Change**

From H "C-2" RIO-6, H "R-6" RIO-6 To H "C-2" RIO-6, H "C-2" RIO-6 CD, H "C-2" RIO-6 S

**Date: June 1, 2006**

**Scale: 1" = 300'**

Subject Property

200' Notification

